

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the City of El Paso has requested that I exercise executive authority to grant an emergency exception to the uniform election date requirements pursuant to Sections 41.001 and 41.0011, Texas Election Code, and to grant a request for a special recall election, pursuant to the city charter; and

WHEREAS, the City of El Paso has stated that the City has approved a petition for a recall election pursuant to the city charter; and

WHEREAS, the next available uniform election date is May 12, 2012, which is now a restricted uniform election date; and

WHEREAS, pursuant to Section 41.001(d), Texas Election Code, the El Paso County Elections Administrator has advised the City that the County will not be able to provide election services for the May 12, 2012 uniform election date; and

WHEREAS, in order to comply with requirements for accessible voting systems mandated by Section 61.012, Texas Election Code, the El Paso City Council would have to purchase or lease accessible voting equipment; however, the El Paso County Elections Administrator has stated that his office can only provide these services by contract on the non-uniform election date of Saturday, April 14, 2012; and

WHEREAS, if the El Paso City Council were to exercise their choices under Texas law to purchase or lease accessible equipment separately in order to conduct the election on the next available uniform election date of May 12, 2012 without assistance from the El Paso County Elections Administrator, the City would incur severe additional expenses to procure equipment and expert staff during a time of high demand; and

WHEREAS, the Texas uniform election dates law is intended to serve the interests of voters by allowing consolidation of elections onto a limited number of uniform dates, but the special circumstances as expressed by the City of El Paso and El Paso County suggest that the interests of voters would be better served in this unique case by permitting an earlier election on a non-uniform date; and

WHEREAS, the Governor of Texas is granted the discretion under Section 41.0011, Election Code, to declare an emergency warranting holding a special election before the appropriate uniform election date;

NOW THEREFORE I, RICK PERRY, GOVERNOR OF TEXAS, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby declare that the foregoing circumstances constitute an emergency and, accordingly, I grant permission for the City of El Paso to conduct a special election on April 14, 2012, for purposes of the recall election granted pursuant to the City of El Paso's city charter.

I also direct the City of El Paso to seek preclearance from the United States Department of Justice as required by law.

Should the City choose to exercise the City's authority to call an election pursuant to this proclamation, said election may be held on April 14, 2012, in accordance with law.

A copy of this order shall be mailed immediately to the City Council of the City of El Paso.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the ___ day of November, 2011.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the _____ day of November, 2011.

RICK PERRY
GOVERNOR

ATTESTED BY:

COBY SHORTER, III
DEPUTY SECRETARY OF STATE

DRAFT